\* BEFORE THE IN RE: PETITION FOR ZONING VARIANCE S/S Stillwater Road, 1725' W \* DEPUTY ZONING COMMISSIONER of Mace Avenue (313 Stillwater Road) \* OF BALTIMORE COUNTY 15th Election District 5th Councilmanic District \* Case No. 92-301-A Charles R. McDougall, et ux Petitioners \* \* \* \* \* \* \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioners request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum for width of 50 feet in lieu of the required 55 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners, Charles and Nancy McDougall, appeared and testified. Appearing in opposition to the Petitioners' request was Joseph Krajci, adjoining property owner.

Testimony indicated that the subject property, known as 313 Stillwater Road, consists of 0.23 acres, more or less, zoned D.R. 5.5 and is presently unimproved. Said property is located within the Chesapeake Bay Critical Areas near Northeast Creek. Testimony indicated that Petitioners purchased the subject property and an adjoining, improved property, known as 311 Stillwater Road, in November, 1991. The improved lot is the site of their current residence. Petitioners testified that the dwelling in which they currently reside is approximately 60 years old and in poor condition. The Petitioners are desirous of constructing a new dwelling on the unimproved property, which is only 50 feet wide, and renovating their existing dwelling for future sale. Petitioners testified that this particular development was established with 50-foot wide lots and that the proposed improvements would not adversely affect the surrounding community.

Joseph Kracji resides immediately adjacent to the subject property at 315 Stillwater Road. Mr. Kracji testified that he is opposed to the granting of this variance and believes that the subject lot should remain vacant. Mr. Kracji testified that the proposed improvements would result in a loss of privacy for him and would be an inconvenience to neighboring property owners during the course of construction. Mr. Kracji introduced a signed Petition indicating his and two of his neighbors' opposition to the granting of the variance.

The lot which is the subject of this hearing is part of an old community in Essex that was developed at a time when the B.C.Z.R. permitted an individual to construct a home on a lot with a width of only 50 feet. Therefore, most, if not, all, of the lots on Stillwater Road were originally laid out as 50-foot wide lots. In the opinion of this Deputy Zoning Commissioner, the relief requested meets the spirit and intent of the zoning regulations and should be granted. It should also be noted that any variance relief requested cannot be granted or denied on the basis of personal preference alone.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zening Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

> Baltimore County Government Zoning Commissioners

Office of Planning and Zoning

April 9, 1992

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

TIMOTHY M. KOTROCO

for Baltimore County

Deputy Zoning Commissioner

Kotron

above-captioned matter. The Petition for Zoning Variance has been granted

able, any party may file an appeal to the County Board of Appeals within

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Tawes State Office Building, D-4, Annapolis, Md. 21404

thirty (30) days of the date of this Order. For further information on

(410) 887-4386

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

311 Stillwater Road

Mr. & Mrs. Charles R. McDougall

RE: PETITION FOR ZONING VARIANCE

in accordance with the attached Order.

(313 Stillwater Road)

Case No. 92-301-A

Dear Mr. & Mrs. McDougall:

TMK:bjs

cc: Mr. Joseph Krajci

People's Counsel

S/S Stillwater Road, 1725' W of Mace Avenue

Charles R. McDougall, et ux - Petitioners

315 Stillwater Road, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission

15th Election District - 5th Councilmanic District

Baltimore, Maryland 21221

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

- 3-

SAPE TO

## Petition for Variance

92-301-A

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section J. B. C. 3. C. T. C. PERMIT A MINIMUM LET WINTH OF BO FEET IN LIFE OF THE RECURED 55 FEET

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) This is A 25 TAB (1) h (1) Neigh Birkhouts (witch I have Lived My Entire Life) with ALL SO FLET LIDE 10 TS - THIS I DINET BELIEVE I EXPLICIT THE DENSITY OF THE ALT THE PROPERTY OF THE PROPERTY O

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

(Type or Print Name)

Contract Purchaser/Lessee

ORDER RECEIVED FOR FR. " Date \_\_\_

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this l'etition. Legal Owner(s): CHARLES R Mc DougAl Marker R Mc Dougar NANCY J. McDougg //
(Type or Print Name)

311 STILL MATER BL 574.3772 BACTE MD 21221 Name, address and phone number of legal owner, con tract purchaser or representative to be contacted

ENGTH OF HEARING 21/2HR, AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS OTHER \_\_\_

movement, and activities of persons in that area can create adverse environmental impacts. These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the

3) Be consistent with established land use policies

for development in the Chesapeake Bay Critical Area

which accommodate growth and also address the fact

that, even if pollution is controlled, the number.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

health, safety, and/or general welfare of the public provided there is

compliance with the requirements of the Department of Environmental Protec-

tion and Resource Management as more fully described below.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of April, 1992 that the Petition for Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet, for a proposed dwelling in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with all Zoning Plans Advisory Committee comments submitted hereto, including, but not limited to, Findings No. 3 of the DEPRM comments submitted and attached hereto in which the Petitioners are required to direct all rooftop runoff from the

- 4-

Zoning Description

Iten#31

Beginning at a point on the South Side of Stillwater ROAD which is 50 feet wide at the distance of 125 feet west of the centerline of MACE AVENUE which is 50 feet wide. Being Lot #39 Section D in the Subdivision of Back River Highlands as recorded in Baltimore County Plat Book 4 Fulio 64, containing 10,000 square feet. Also KNOWN as 313 Stillweter Road and located in the #15 ELECTION DISTRICT

Osted for:	Date of Posting 3/6/92
etitioner: Charles Res Namy F.	196 Course
ocation of property: 5/5 Sall Mafer Ke	1. 1725 N/Macs /fre
DID STILL X DA	·
ocation of Signer for my Stationals	- Ris wiver. 16 Fg. goodway
Describe of Section of 1/2 to 700 12	
Posted by Market	Date of return: 3/13/92
Tosled by	

proposed dwelling through downspouts and into drywells

3) When applying for a building permit, the site plan filed must reference this case and set forth and

completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated March 19, 1992, attached hereto and made a part hereof.

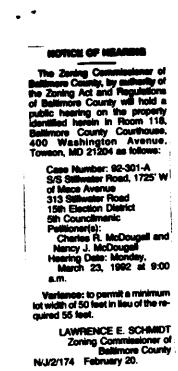
for Baltimore County

- 15-

so as not to disturb adjoining properties.

address the restrictions of this Order. IT IS FURTHER ORDERED that the Petitioner shall comply fully and

Deputy Zoning Commissioner



## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive

THE JEFFERSONIAN.

5. Zete Orlon

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118. Baltimore County Courthouse, 400 Washington Avenue, Towson, MD 21204 as follows:

Case Number: 92-301-A S/S Stillwater Road, 1725' W

of Mace Avenue
313 Stillwater Road
15th Election District
5th Councilmanic
Petitioner(s):
Charles R. McDougall and
Nancy J. McDougall
Hearing Date: Monday,
March 23, 1992 at 9:00

Variance: to permit a minimum lot width of 50 feet in lieu of the re

--- N/J/2/174 February 20.

LAWRENCE E. SCHMIDT

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md. once in each of \_\_\_\_successive weeks, the first publication appearing

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

> > (410) 887-3353

on 2 20 .19 97.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning 111 West Chesapeake Avenue

Towson, MD 2120+ March 9, 1992

> Mr. & Mrs. Charles R. McDougall 311 Stillwater Road Baltimore, MD 21221

RE: Item No. 317, Case No. 92-301-A Petitioner: Charles R. McDougall Petition for Variance

Dear Mr. & Mrs. McDougall: The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Zoning Commission County Office Building 111 West Chosepooks Ave 100000 1280 CE. PUBLIC HEARING FEES 010 -ZDNING VARIANCE (IRL) TOTAL: \$35.00 LAST NAME OF OWNER: MCDOUGALL 04A04#0106MICHRC BA C012:38PM02-04-92 Please Make Checks Payable To: Baltimore County

19 Jepi Baltimore County

Zoning Commission
County Office Building Zoning Commissioner
County Office Building 111 West Chesapeake Avenue

Account: R-001-6150

Please Make Checks Payable To Paltiniore County

and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

DATE: 2.28.92

Charles and Mancy McDougall 311 Stillwater Road Baltimore, Maryland 21221

Dear Petitioner(s):

CASE NUMBER: 92-301-1 S/S Stillwater Road, 1725' W of Mace Avenue 313 Stillwater Road 15th Election District - 5th Councilmanic Petitioner(s): Charles R. McDougall and Mancy J. McDougall

Baltimore County Government
Office of Zoning Administration

THIS FEE MUST BE PAID. ALSO, THE ZORING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return smil to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and he made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: February 21,1992

In reference to the applicants' request, staff offers no

provide additional information, please contact Jeffrey Long in the

If there should be any further questions or if this office can

Zoning Administration and

Comprehensive and Community Planning

Office of Planning and Zoning

Lehner Property, Item No. 310

Forthuber Property, Item No. 313

McDougall Property, Item No. 317

Development Management

Gary L Kerns, Chief

SUBJECT: Reinecke Property, Item No. 308

Office of Planning at 887-3211.

CASE NUMBER: 92-301-A S/S Stillwater Road, 1725' W of Mace Avenue 313 Stillwater Road 15th Election District - 5th Councilmanic Petitioner(s): Charles R. McDougall and Mancy J. McDougall HEARING: MONDAY, MARCH 23, 1992 at 9:00 a.m.

Variance to permit a minimum lot width of 50 feet in lieu of the required 55 feet.

cc: Charles and Nancy McDougall

Zoning Plans Advisory Committe Coments Date: March 9, 1992

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

WCR:jw Enclosures

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

- 111 West Chesapeake Avenue Towson, MD 2 20 a

(410) 887-3353

Your petition has been received and accepted for filing this 4th day of February, 1992.

Zoning Plans Advisory Committee

Petitioner: Charles R. McDougall, et ux Petitioner's Attorney:

GLK/JL:rdn ITEM308/TXTROZ

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

FEERUARY 12, 1992

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

FE: Property Cwnei: CHARLES R. MCDOUGALL AND NANCY J. MCDOUGALL

#313 STILLWATER ROAD Location:

Zoning Agerda: FEERUARY 18, 1992 Item No.: 317

Centleren: Fursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Eureau has no comments at this time.

Noted and FEVIEUER: Can The Approved Fire Prevention Eureau Special Inspection Division

BATIMORE COUNTY, M YLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

The subject property is located at 313 Stillwater Road. The

site is within the Chesapeake Bay Critical Area and is classified as an

The applicant has requested a variance from section 1B02.3.C1 of

In accordance with the Chesapeake Bay Critical Area Program, all

1. "Minimize adverse impacts on water quality that result from

pollutants that are discharged from structures or conveyances

Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

the Baltimore County Zoning Regulations to permit a minimum lot width

project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the

or that have runoff from surrounding lands;

Conserve fish, wildlife and plant habitat; and

TO: Mr. Arnold E. Jablon, Director

FROM: J. James Dieter, Director

Intensely Developed Area (IDA).

SITE LOCATION

APPLICANT PROPOSAL

Critical Area Law:

and Development Management

Office of Zoning Administration

McDougall Property

SUBJECT: Petition for Zoning Variance - Case No. 92-

APPLICANT'S NAME Mr. and Mrs. Charles McDougall

of 50 feet in lieu of the required 55 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

Chesapeake Bay Critical Area Findings

DATE: March 19, 1992

ZONING COMMISSIONER

JP/KEK

BALTIMORE COUNTY ECONOMIC DEVELOPMENT COMMISSION

Memorandum

Julie Winiarski Office of Zoning Administration and Development Management

A. J. Haley, Deputy Director  $\int \widehat{U}$ Economic Development Commission

February 14, 1992

Zoning Advisory Comments for Meeting of February 18, 1992

This office has no comment for items 306, 308, 313, 314, 315, 316, 317, 319 and 320.

Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal

Regulation: "A minimum 25 foot buffer shall be maintained

around all non-tidal wetlands so that development or other

contained therein" <Baltimore County Code Section 26-448(a)>.

Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which

reduces pollutant loadings by 10% of the on-site level prior to

new development or redevelopment" <Baltimore County Code Section

Finding: In order to comply with the above regulation the applicant agrees to direct rooftop runoff through downspouts and

stormwater and will bring this property into compliance with the

Management Practice in a "Framework for Evaluating Compliance with

The Zoning Variance shall be conditioned so the project proposal

is in compliance with the Chesapeake Bay Critical Area Regulations and

Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any

into drywells. This will encourage maximum infiltration of

10% rule. Infiltration of stormwater is a recommended Best

the 10% Rule in the Chesapeake Bay Critical Area".

questions, please contact Ms. Patricia M. Farr at 887-2904.

disturbance of the shoreline buffer shall occur.

wetlands, and tributary streams" <Baltimore County Code Section

Finding: This property is located approximately 800 feet from the tidal waters of North East Creek. No clearing, grading, or

activities will not adversely affect the wetlands or the wildlife

Finding: No tidal or non-tidal wetlands were found on this site or in the vicinity of the site. Therefore, no disturbance of

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 25, 1992 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for February 18, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 315, 317 and 319.

For Item 306, this site must be submitted through the minor subdivision process for review and comments.

For Item 308, the highway widening is not shown on the plan as per record plat EHK, Jr. 53/121. The lot area would decrease .017 acre.

For Item 313, the area shown as being conveyed from Lot 7 to Lot 8 is a portion of an existing County easement (RW86-140-11). An existing 15-inch public drain is within this easement and in close proximity to the wall shown on the plat. This wall should be relocated beyond the limits of the easement.

For Item 314, this site is subject to the previous County Review Group comments.

For Item 316, this site must be submitted through the minor subdivision process for review and comment. The proposed right-of-way width from the site to Holly Neck Road is 50 feet.

For Item 320, Middleborough Road is proposed as a 60-foot right-of-way and Sassafras Road is proposed as a 50-foot right-of-way. A 10-foot widening is requested along these frontages.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

4154-92

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: March 12, 1992

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

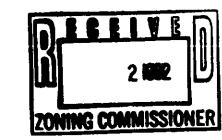
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 18, 1992

This office has no comments for item numbers 306, 308, 313, 314, 315, 317, 319 and 320.

> Rahee J. Famili Traffic Engineer II

PJF/lvd





ZONING OFFICE

RWB:s

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Joseph Cajci	315 Stillwedge 20 2100
<del></del>	
<del></del>	

JJD:NSP:ju Attachment

CONCLUSION

cc: Mr. and Mrs. McDougal

Memo to Mr. Arked Jablon

REGULATIONS AND FINDINGS

26-449(a)>.

wetlands shall occur.

26-452(a)>.

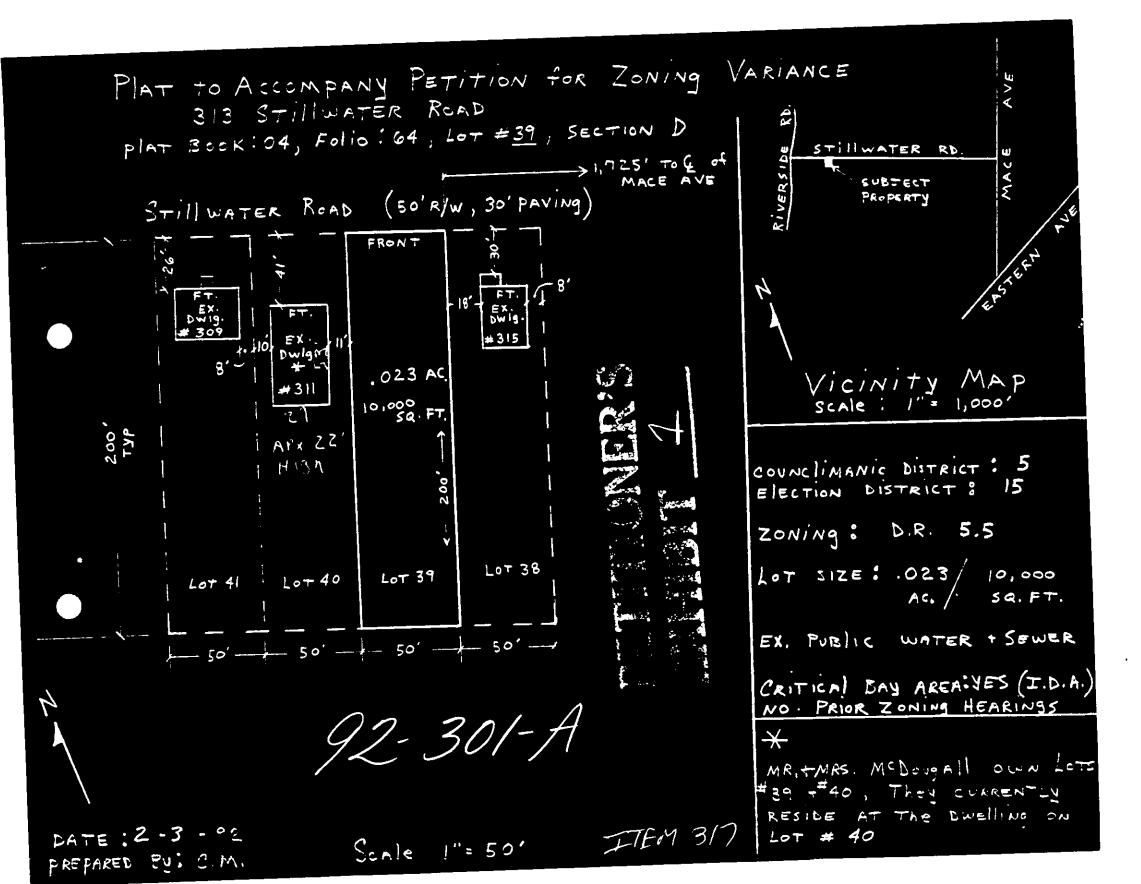
March 19, 1992

Page 2

1

MCDOUGAL/TXTNSS





	FOTURE PIAN	
	50' 50'	
,002	PROPESED SINGLE-FAMILY UNIT IN THE PROPERTY OF	
PETITIONER'S FRONT		
DATE BIT	STILLHATER ROAD	

	PETITION	
We the undersigned hereby Stillwater Road be denied.	request that the Variance for 313	
Name	Address	
Charles I Yearn	316 CT 11.	
Ruby arnott	309 Stillwater Fd 21221	
	1 2 1 4 # 1	
Profuntis exhibit # 1		

